

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

S. H. BELL COMPANY,

Defendant.

CIVIL ACTION NO.

JUDGE

Plaintiff, the United States of America, on behalf of the United States Environmental Protection Agency ("U.S. EPA"), hereby notifies the Court that the United States is lodging with the Court a proposed Consent Decree which resolves claims against the S.H. Bell Company ("S.H. Bell") under the Clean Air Act ("the Act"), 42 U.S.C. §§ 7401-7671q, regulations implementing the CAA, the Ohio State Implementation Plan ("Ohio SIP") and the Pennsylvania State Implementation Plan ("Pennsylvania SIP") at two terminals of S.H. Bell's facility located at 2217 Michigan Avenue (Stateline Terminal) and 1 Saint George Street East (Little England Terminal), Liverpool, Ohio. The Complaint in this action, filed concurrently with the lodging of this proposed Consent Decree, seeks civil penalties against S.H. Bell for failure by S.H. Bell to apply for appropriate permits under the CAA, the Ohio SIP and the Pennsylvania SIP for stationary sources at its two terminals; failure by S.H. Bell to obtain a permit to install ("PTI"), and timely comply with control requirements of a valid PTI, as required by the Ohio SIP at

certain stationary sources at its East Liverpool facility; and violations of the General Provisions of the New Source Performance Standards ("NSPS") set forth at 40 C.F.R. § 60.7 and 60.8 for nonmetallic mineral processing plants.

Under the proposed Consent Decree, S.H. Bell will: 1) pay a civil penalty of \$50,000; 2) comply with all applicable emissions limitations and testing requirements in its existing source operating permits and any amendments; 3) cooperate with Ohio Environmental Protection Agency ("Ohio EPA") and Pennsylvania Department of Environmental Protection ("Pennsylvania DEP") officials in the processing of S.H. Bell's filed applications for appropriate source permits at its East Liverpool facility; 4) certify that it does not currently process nonmetallic minerals at its East Liverpool facility, and in the event that it resumes such processing, comply with applicable provisions of NSPS; and 5) implement two Supplemental Environmental Projects ("SEPs") valued at \$386,592, consisting of a Truck Loadout Shed and Road Paving Projects at its East Liverpool facility.

***At this time, the Court should not sign and enter the proposed Consent Decree.***

Instead, the proposed Consent Decree should remain lodged with the Court while the United States provides an opportunity for public comment in accordance with U.S. Department of Justice regulations codified at 28 C.F.R. § 50.7. The U.S. Department of Justice will publish in the Federal Register a notice that the proposed Consent Decree has been lodged with the Court. The notice will solicit public comment for a period of 30 days. During the comment period, no action is required of the Court.

After the close of the comment period, the United States will evaluate any comments received, determine whether any comments disclose facts or considerations which indicate that

the proposed settlement is inappropriate, inadequate or improper, and advise the Court whether the United States requests that the Consent Decree be entered.

Respectfully submitted,

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